

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE

DANIEL LOVELACE and
HELEN LOVELACE, Individually, and as Parents of
BRETT LOVELACE, deceased,

Plaintiffs,

Vs.

No. 2:13-cv-02289 dkv
JURY TRIAL DEMANDED

PEDIATRIC ANESTHESIOLOGISTS, P.A.;
BABU RAO PAIDIPALLI; and
MARK P. CLEMONS,

Defendants.

**MOTION OF DEFENDANTS, PEDIATRIC ANESTHESIOLOGISTS, P.A.,
AND BABU RAO PAIDIPALI, M.D., TO DISMISS FOR FAILURE
TO STATE A CLAIM UPON WHICH RELIEF CAN BE GRANTED
PURSUANT TO F.R.C.P. 12(b)**

COME NOW defendants, Pediatric Anesthesiologists, P.A. ("Pediatric Anesthesiologists") and Babu Rao Paidipalli, M.D. ("Dr. Paidipalli"), by and through their counsel of record, and pursuant to Rule 12(b) of the Federal Rules of Civil Procedure, hereby move to dismiss this cause for failure to state a claim upon which relief can be granted.

In support of this motion, defendants rely upon the law and argument set forth in their accompanying Memorandum of Law, incorporated herein by reference,

WHEREFORE, premises considered, defendants pray that this Court grant their motion to dismiss.

Respectfully submitted,

THE HARDISON LAW FIRM, P.C.

s/David M. Cook

David M. Cook (BPR #5362)

Albert G. McLean (BPR #5150)

Attorneys for Defendants, Pediatric

Anesthesiologists, P.A. and Babu Rao Paidipalli,
M.D.

119 S. Main Street, Suite 800

Memphis, TN 38103-3685

(901) 525-8776

dcook@hard-law.com

amclean@hard-law.com

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing has been served upon all attorneys of record, via ECF, as follows:

Mark Ledbetter
Halliburton & Ledbetter
Attorney for Plaintiffs
254 Court Avenue
Suite 305
Memphis, TN 38103

and

J. Kimbrough Johnson
Marcy Dodds Magee
Thomas, Hendrix, Harvey, Johnson & Mitchell, PLLC
Attorneys for Defendant, Mark P. Clemons, M.D.
2900 One Commerce Square
Memphis, TN 38103

This 12th day of June, 2013.

s/Albert G. McLean

ALBERT G. MCLEAN